

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

KENNETH R. WHITE,	:	
	:	
Plaintiff,	:	Case No. 3:06cv0127
	:	
vs.	:	
	:	District Judge Thomas M. Rose
MICHAEL J. ASTRUE,	:	Magistrate Judge Sharon L. Ovington
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

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**DECISION AND ORDER**

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The Court previously remanded this case to the Social Security Administration for further proceedings. (Doc. #15). The case is presently before the Court upon Plaintiff's Motion for Allowance of Attorney Fees (Doc. #20), which the Commissioner does not oppose (Doc. #24). The Commissioner of the Social Security Administration determined on remand that Plaintiff was due disability benefits. *See* Doc. #20 at 2-3 (and attached Exhibits).

Plaintiff presently seeks an award of attorney fees in the total amount of \$13,552.50 for work performed to litigate this case in federal court. In the absence of opposition by the Commissioner, Plaintiff's Motion and supporting Exhibits establish that, pursuant to 42 U.S.C. §406(b)(1), he is entitled to an award of attorney fees in the

amount he seeks.

Accordingly, the Court hereby ORDERS that:

1. Plaintiff's Motion for Allowance of Attorney Fees (Doc. #20) is GRANTED; and
2. The Commissioner shall pay Plaintiff's attorney fees pursuant to 42 U.S.C. §406(b)(1) in the amount of \$13,552.50.

October 2, 2008

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge